

JUSTICE BEHAVIORAL HEALTH COMMITTEE
9 September 2015 Lincoln, Nebraska

MEETING MINUTES

The Justice Behavioral Health Committee (JBHC) of the Community Corrections Division met Wednesday, September 9, 2015, at the Department of Corrections Central Office, Building 1, Lower Level Conference Room, South Folsom & West Prospector Place, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance public notice in the *Lincoln Journal Star*.

Members Present:

Sue Adams
Jeff Beaty
Scott Carlson
Dave Carver
Tamara Gavin
Cathy Gibson-Beltz/Anne Hansen
Kathleen Grant
Joan Huss
Linda Krutz
Deb Minardi/Gene Cotter
Joe Nigro
Julie Scott
Kathy Seacrest
Ryan Spohn
Shane Stutzman
Richard Thomas/Natalie Johnson
Mike Tolley
Linda Wittmuss

Members Absent:

Angie Apthorpe*
Christine Chasek
Carol Coussons de Reyes*
Kim Etherton
Darrell Fisher/Michael Overton*
Tony Green/Nathan Busch
Troy Greve
Lori Griggs
Randy Kohl/Stephanie Bruhn*
Dallas Massey*
Tom Maxson*
Bruce Prenda*
Brenda Rohren*
Lisa Sample*
Nancy Wilson-Hintz

Division Staff Present:

Kitty Policky
Laurie Holman

Others Present:

* Indicates excused absence

1. CALL TO ORDER

Co-Chair Julie Scott, Justice Behavioral Health Specialist, Probation, called to order the September 9, 2015 meeting of the Justice Behavioral Health Committee (JBHC) at 9:10 a.m. at the Department of Corrections Central Office, Building 1, Lower Level Conference Room, South Folsom & West Prospector Place, Lincoln, Nebraska. It was announced that the meeting was subject to the Nebraska Open Meetings Act and was duly posted and published in compliance with the Open Meetings Act and the agenda was kept current in the office of the Crime Commission. Materials used for the meeting were available in the public folder for inspection. A copy of the Act is displayed. Attendance is indicated above. Known absences are as follows: Angie Apthorpe, Carol Coussons de Reyes, Michael Overton, Stephanie Bruhn, Dallas Massey, Tom Maxson, Bruce Prenda, Brenda Rohren, and Lisa Sample. Video conferencing was not available from the meeting location at the Nebraska Department of Corrections.

2. APPROVAL OF MINUTES

Members reviewed the June 10, 2015 meeting minutes. A correction was made on page one to indicate Dave Carver should be an excused absence.

A motion was made by Shane Stutzman and seconded by Scott Carlson to approve the June 10, 2015 minutes as amended. The motion passed unanimously by acclamation.

3. MEMBERSHIP

Members agreed at the June meeting to contact individuals who were not compliant to determine if they wanted to continue to serve in their respective positions. Jeff Beaty was present. A replacement for #19, a licensed psychologist from Licensure Credentialing Division or Board of Psychologists is needed and nominations will be submitted at the December meeting. The #9 and #23 positions are vacant at this time as the positions have not been filled by their respective departments. The #3 position resigned and a replacement has not been approved at this time.

An update to positions discussed at the June meeting continued. Membership #16, A psychiatrist will be changed to a physician.

Carol Coussons de Reyes #23, has taken a new position at the Office for Facilitation of Recovery. A replacement for the Director of Consumer Affairs for Behavioral Health will fill the vacancy.

The bylaws equate membership and the recognized right to sit or vote at the table. It was determined that there should be a permanent designee for representation giving the permanent designee the right to vote as a representative of the member. The permanent designee would be accepted as a representative of the member but if the permanent designee was not available to attend a meeting as well as the member, there would simply be an absence. Members have every opportunity to send a replacement for the permanent designee to take notes and report but, they do not have the right to sit at the table and vote. The only members who would be permitted to vote would be the member or recognized permanent designee. Permanent designees will be identified in the bylaws for positions.

Gene Cotter requested permanent designee be added to #2 and #3.

Troy Greve requested #25 of the bylaws be eliminated as #24 and #25 have merged and in addition, remove the permanent designee from #24 description. #25 will be eliminated.

The designation of Director in #23 should be changed to Administrator . . . of Consumer Affairs . . .

Dr. Grant brought to the attention of the Committee the reference in #16 to psychiatrist. She does not fill the qualifications. Members decided the position needs to reference a physician.

With no further discussion Co-Chair Scott called for a motion.

A motion was made by Cathy Gibson-Beltz and seconded by Dave Carver to approve the following changes to the bylaws.

4.0 MEMBERSHIP

4.1 Representation

2. The Deputy Probation Administrator for Community Based Programs & Field Services or permanent designee
3. The Deputy Probation Administrator for Operations & IT Representative or permanent designee
8. ~~A representative~~ The director or permanent designee from the Department of Health and Human Services, Division of Behavioral Health
9. ~~A representative~~ The director or permanent designee from the Department of Health and Human Services, Division of Medicaid and Long Term Care

16. A ~~psychiatrist~~ physician
23. The ~~Director~~ Administrator of Consumer Affairs for Behavioral Health
24. A representative ~~or permanent designee~~ from United States Probation
25. A representative ~~or permanent designee~~ from United States Pretrial Services (Remove from bylaws)
29. The Department of Correctional Services Director of Research ~~or a permanent designee.~~

5.0 MEETINGS

5.3 Voting

After a motion is made and seconded, a vote will carry after receiving two-thirds (2/3) of ~~those~~ members or permanent designees present.

Only voting members, permanent designees and active staff shall sit at the meeting table during regular agenda items.

Roll call vote was conducted and the motion passed unanimously.

4. PROVIDER SUB-COMMITTEE REPORT / JOAN HUSS & ANGIE ANTHORPE

Co-Chair Joan Huss, Licensed Mental Health Practitioner (LMHP), Licensed Alcohol and Drug Counselor (LADC) reminded members that discussion at the last meeting would generate a new charge statement that would be presented at this meeting since the last charge statement has been met. The new charge statement would be organized around retraining for the Standardized Model for the Addiction Severity Index (ASI) and the Comprehensive Adolescent Severity Inventory (CASI) but since the June meeting, the Lincoln Medical Education Program (LMEP) is in the process of developing options for training, suggesting we put our plans on hold for now and see what LMEP is going to do and instead take a look at the Charge Statement that has been presented at this meeting. The new Charge Statement is as follows: "Explore and make recommendations for the expansion of the Standardized Model for the Delivery of Substance Use Services to include mental health services."

A mental health member will be added to the Provider Sub-Committee for input.

Kathy Seacrest, Program Director, Region II Human Services expressed how important it is to be consistent in expectations. Julie Scott reminded members that the Charge Statement is to explore and make recommend at this time.

A motion was made by Kathy Seacrest and seconded by Shane Stutzman to approve the new Charge Statement for the Provider Subcommittee as presented. Roll call vote was conducted and the motion passed with one member abstaining.

5. CURRICULUM SUBCOMMITTEE UPDATE / LINDA WITTMUSS

Co-Chair Wittmuss presented the Curriculum Sub-Committee Report. Wittmuss briefly reviewed the progress of the Curriculum Subcommittee noting that the Charge Statement has been met with the "Performance Assessment Rubrics" but Wittmuss reminded members that it is imperative to integrate the Rubrics with any curriculum development, orientation of staff, training, or with any HR or supervisory types of activities. We will continue to have members report how they have integrated and implemented the elements into their programs periodically.

6. LEGISLATIVE UPDATE / LAURIE HOLMAN

Holman presented the update with a legislative Bill Chart 2015 handout to comprehensively show the progress of bills that were not voted on this year so they will carry-over

to the next session. The Bill Chart 2015 was accompanied by a Carry-over Legislation Summary handout. Holman clarified concerns and answered questions for members.

In addition, an Interim Study 2015 Chart was distributed to identify the interim study and the hearing date.

Jeffrey Beaty, Director of Research, Department of Correctional Service, gave a brief report in regard to his participation in the interim hearing in August for LB999 discussing the need for a behavioral health treatment center in Hastings and the sustainability for needs and the ability to staff such a facility. A tour of the Hastings campus and juvenile facilities by the Committee gave insight into the environment. At the time only one building was being utilized for the juvenile facility. Committee members were very impressed with the facility and staff but being a former correction facility, most buildings are in poor condition.

Holman pointed out that not all the listed hearings had a scheduled hearing date and time.

It appears at this time that the first day of session will be January 6, 2016. This is a short session and should end sometime in April. Nicole Fox from District 7 in Omaha was appointed by Governor Ricketts to replace Jeremy Nordquist who resigned to work as Brad Ashford's Chief of Staff in Washington, DC.

There has been much work done with the Council of State Governments (CSG), the group hired to help work on legislation and the process of justice reinvestment by changing our statutes to put more individuals in community-based programs instead of straight to prisons; our felony code change; or misdemeanor code change under LB605.

The Community Corrections division of the Crime Commission was also given the task of creating the program and administering the county jail reinvestment grant fund. We are beginning the process by writing rules and regulations. The grant is currently a one-time \$500,000 grant to offset costs that the county jails will incur by shifting individuals from prisons to county jails. There is a timeline of one year to complete the rules and regulations to begin appropriations to county jails that can prove their average daily jail population increased as a result of LB605.

The handouts are attached and considered part of these minutes.

7. BREAK

A short break was announced at 10:25 a.m.

Committee reconvened at 10:35 a.m.

8. BEHAVIORAL HEALTH UPDATE / SUE ADAMS

Sue Adams, DHHS Division of Behavioral Health, announced that Shari Dawson has been appointed as the new director for behavior health by Governor Ricketts. Carol Coussons de Reyes who served on JBHC as the Director of Consumer Affairs for Behavioral Health has taken a position as peer bridge working with the Public Policy Center to expand the use of peers at the Lincoln Regional Center to help transition individuals out to the community and how we can best use peers for the transition and support after they leave the institution. Cynthia Harris, on the community services side network, is serving as the interim in the Office of Consumer Affairs. There are lots of changes and many positions to be filled at this time.

There has been help from the technical assistance collaborative as representatives came in to assist with our concern for Olmstead and if we were vulnerable to what may be Olmstead violations. One of the things that will be moving forward with is what kind of state-wide housing plan for folks with behavioral health disorders can be developed. Although programs exist, we feel that there could be changes and improvements in meeting the housing needs of folks with behavioral health disorders.

Behavioral Health continues to work with Regions in trauma informed care and co-occurring or complex needs to improve our ability to serve these populations.

There has been partnering with Probation to address how we can work together and with many other stakeholders on services for juveniles in Probation and also working with Corrections on the re-entry process.

In reporting on the status of the System of Care initiative, a document was created that looked at the work done such as the planning grant but not an implementation grant so there was a brief document proposal created for the new CEO on how we can move forward on System of Care and potentially going for the next implementation grant.

9. PROBATION UPDATE / JULIE SCOTT / GENE COTTER

Gene Cotter emphasized the main goal at this time was still adopting and adapting directives from LB605. The adult side has numerous hearings and meetings as well as teams have been established for furthering progress. The Probation side is writing policy and procedure and preparing for when the court rules are approved. LB605 went into effect August 30th but the Supreme Court has not approved rules so little has gone forward at this time.

Co-Chair Scott continued with the Probation Update by addressing the behavioral health aspects by reporting they are putting together a packet update by the end of June which will include revamping the service definitions and expectations regarding adult and juvenile perspective by making the definitions clearer and aligning with other systems; implementation guidelines; and standards of practice for providers. Probation is working in partnership with DHHS, Division of Behavioral Health and Magellan in regard to unified service definitions and implementation of the same format that DHHS uses with providers to achieve some continuity and ease for providers of expectations for services to include exit strategies. The comprehensive package will also include elements from fees for service and what the delivery providers do within the voucher program. That package is due to be ready the end of February or the beginning of March.

The Standardized Model training feedback has been incorporated at this time into the online for the Standardized Model. Although there is no cost to the providers for the online training, we are still determining the process by which they will register. When the online training is complete, a pass or fail status will be immediately available and that information will go directly to the Division of Behavioral Health and currently contract LMAP. The status will automatically be sent and available prior to the time candidates take the ASI or CASI training.

Behavioral Health Level II training is in progress and we are creating a Training for Trainers, an introductory level around trauma. There are 28 candidates from Probation and the region. There will be three trainings in Grand Island, one in North Platte, and another one in Lincoln. Once the first offering has been completed and enhanced, there will be a Training for Trainers developed for mental health.

There are two significant pilots with the behavioral health regions and the Division of Behavioral Health in the juvenile arena. Probation is working with Regions 5 & 6 and Probation Districts 3J in Lincoln, 4J in Omaha and District 2 in Sarpy concerning evaluations and the process of evaluations. We are looking at potentially a smaller network of providers who are specially trained in this process of evaluations and criminogenic risk factors that will be working with Judiciary to effectively answer questions. Presently we are looking at substance abuse, co-occurring mental health and there will be a psychological testing and not necessarily a separate evaluation as part of working with the providers. The providers chosen to work in this network would have qualified staff that could complete the evaluations and testing.

It should be stressed that there is much work being done to meet the needs of the Judiciary and questions on the evaluation.

The second pilot is in the same districts and regions and it is looking at the utilization of wrap around services for Justice clients. As part of the Professional Partner Program that the region offers for youth that have severe emotional disturbance, we also have youth with a lot of behavioral issues. We are looking at utilizing the Professional Partner model and creating the Wrap Around Program to work with the justice clients. The more intensive in-home services in the community need to be improved and enhanced services for juveniles transitioning as part of the re-entry or who struggle in supervision where it looks like they may be looking at an out of home or out of state placement.

In addition, there is work with the regions and divisions at the development or expansion of their current crisis response in determining how they can be utilized for individualized care for youth intake that has recommend a higher level or placement level because we can't get family to work together in terms of having a temporary place for that youth to go prior to court or before a long term plan can be put together. It has also been considered at the supervisor stage where a crisis would exist and elevate. The interest is in expanding current services to include Probation.

10. PROBLEM-SOLVING COURTS / SCOTT CARLSON

Scott Carlson, Statewide Coordinator for Problem-Solving Courts, Nebraska Supreme Court, was at the Supreme Court Consultation for the last meeting. The statewide standards for problem-solving courts, discussed at prior meetings and compiled from national standards, was approved by the Supreme Court. A copy is available on the website and in Supreme Court Rule. The next step will be the implementation and training around the standards with the problem-solving courts.

Working with the National Center for State Courts, we are now entering Phase II of the project. Our statewide standards are compiled from the national standards released by the National Association of Drug Courts Professionals. A new volume of standards was released this last summer at conference. Much of the proposed changes were anticipated prior to the release of the new volume but there will be modifications to the current approved standards.

The biggest project to date is the expansion of problem-solving courts. There's a lot of momentum around other types of problem-solving courts. There have been meetings with several senators, court administrator, and probation administrator. In the meeting concerning LR295 with Senator Bohls, mental health courts came up frequently. Considering the momentum, a proposal for regard to mental health courts is being developed.

There will also be proposals for veterans' courts, DUI courts, re-entry courts, and hopefully an expansion of the young adult court in Omaha.

There is less than a month to put these proposals together as the Problem-Solving Court Committee meets in early October to determine if there will be an opportunity to move forward for legislation.

11. PAROLE ADMINISTRATION UPDATE / CATHY GIBSON-BELTZ

Cathy Gibson-Beltz, Parole Administrator, explained that they are highly involved in re-investment. As was in the past, Parole was involved with the Department of Correctional Services for training services but with funding, Parole now has two training positions and some LB605 mandated training components to be completed by June 1. There is no funding at this time for the trainings but we are looking for resources to accomplish that training by the June date. We are looking at the University of Cincinnati for a great deal of the ethics training and putting out an RFP for a resume assessment for both Parole and the Department of Corrections. Whoever bids will need to include risk needs assessment as part of the training.

There has been considerable group work with Probation and behavior health regarding re-entry and services for both parolees going out of the system and people on post release

supervision, which is totally new as a result of LB605. The re-entry administrator with DCS, Dawn-Renee Smith has been working with Julie Micek, Probation Programs and Services Specialist, to get a re-entry plan called a Life Plan where it actually starts with a PSI where the presentence investigating officer will perform the beginning of the re-entry plan and services delivered within DCS as part of the re-entry post supervision. There are components at the PSI level as well as the institutional level and the post release supervision level be it probation or parole and re-entry back into the community.

Parole also is looking at the transition plan where Parole moves from the Department of Corrections to the Board of Parole with Rosalyn Cotton as chair. The transition was part of LB598.

Custodial sanctions for parolees under LB605 were only done in 30-day increments which defeats the purpose. Taking someone from a home, job, or treatment for a thirty day sanction doesn't contribute much for their re-entry. We are struggling with the fit for parole.

Parole is trying to fund substance abuse programming and replace services lost for parolees in trying to get a system in place with behavioral health substance abuse staff in the institutions and community centers. Voucher use is on a very limited basis as the funding is just not available. Probation has graciously subsidized the use of vouchers for the last ten years and is no longer able to extend the support so Parole is struggling to get something to the parolees.

Parole will soon have a new deputy director for programs and services as Mike Rafwell from Afghanistan will take the position.

12. SEX OFFENDER UPDATE / GENE COTTER / LISA SAMPLE

Gene Cotter, Assistant Deputy Administrator, Office of Probation Administration, Programs and Services Division, stated membership has had changes but an official listing will be brought to the Committee.

Two handouts were distributed. The first was the minutes from the August 18, 2015 meeting of the Sex Offender Subcommittee and the second is a listing of proposed standards. Both handouts are attached and considered part of the minutes.

The handout of proposed standards was presented for review and vote. Since there is a meeting to begin at 11:45 for many of the JBHC members, there will not be time for much discussion. This handout is intended to fulfill Charge Statement #1: Create minimum standards of Registered Service Providers for the provision of sex offender treatment services and create minimum standards for staff for the provision of sex offender treatment services and #3: Create recommendations to support Registered Service Providers sustainability in working with the sex offender population. The handout exhibits what should basically be in a sex offender evaluation and best practice standards that should be a part of treatment of sex offenders.

Bryant Crosby joined the meeting as a guest from TKJ Polygraph to discuss the role polygraphs should play in the treatment process with the general consensus surmising that polygraphs definitely should play a role and that they can be easily overused but that the polygraph gives another level of accountability in the treatment process. Discussion cited that in many cases, a polygraph at the beginning of treatment may expedite the phase to deal with the offense and reduce the overall length of treatment substantially but at the same time, polygraph results should not provide the option to strong arm because of the test outcome and the tests should not be overused or relied upon too heavily but should be considered a part of the treatment process and the Subcommittee agreed to recommend the use of the polygraph.

Currently the Subcommittee is considering an assessment or evaluation and what should be the elements of the assessment or evaluation and developing definitions for different levels of care. We invite anyone who has an interest in the sex offender curriculum to join the committee.

Referring to the handout of what the Subcommittee is proposing as credentialing requirements to work with the sex offender population in Nebraska. The proposed standards give a provider who has a desire to work with the sex offender population a guideline to achieve the training and education requirements. The chart gives suggested training and supervision requirements from the first year to the associate, intermediate, and fully operational level of skills.

Kathy Seacrest, Program Director, Region II Human Services noted the restricted time for the meeting today and requested that the Sex Offender Update be moved to the beginning of the Subcommittee reports at the December meeting. The Sex Offender Subcommittee report will become the first report and an update on the handouts will be forwarded to members.

Co-Chair Scott reminded members that we will have a discussion concerning membership and bring nominees for the psychologist position.

13. PUBLIC COMMENT

Co-Chair Scott asked for public comments.

With no further business, the Chair proceeded to adjournment.

14. ADJOURNMENT

The next meeting is scheduled for Wednesday, December 9, 2015 at 9:00 a.m.

There being no further business, at 11:45 p.m. the meeting was adjourned.

Respectfully Submitted,

Kitty Policky
Secretary II